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[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE NVIDIA GPU LITIGATION)	<u>CLASS ACTION</u>
)	
)	Case No. C 08-4312 JW
)	
_____)	STIPULATION TO EXTEND TIME TO
)	FILE MOTION FOR CLASS
This Document Relates To:)	CERTIFICATION AND CONTINUE
)	HEARING DATE

ALL ACTIONS.

STIP TO EXTEND TIME TO FILE MOT. FOR CLASS CERT. & CONTINUE HR'G DATE Case No. C 08-4312 JW		
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1 This Court, in its Scheduling Order dated May 14, 2009, set a hearing date on Plaintiffs'
 2 anticipated motion for class certification for December 7, 2009 at 9:00 a.m., and instructed the
 3 parties to meet and confer and determine a briefing schedule to be completed by November 16,
 4 2009. In its Order dated July 1, 2009, the Court granted the parties' stipulation to continue the
 5 hearing date for Defendant's anticipated motion to dismiss to October 19, 2009 at 9:00 a.m. The
 6 parties have met and conferred with respect to the briefing schedules and, based on the reasons
 7 set forth below, request that the Court continue the hearing on Plaintiffs' motion for class
 8 certification until after the Court hears Defendant's motion to dismiss. The parties wish to
 9 continue the hearing on Plaintiffs' motion for class certification from December 7, 2009 to
 10 March 22, 2010.

11 The parties are in discussions regarding discovery, have exchanged information and
 12 documents informally and have exchanged information and documents formally pursuant to
 13 Fed.R.Civ.P. 26. Accordingly, the case will be well underway by the time of the hearing on
 14 Defendant's motion to dismiss and, due to certain issues that will be adjudicated as part of the
 15 motion to dismiss, the parties agree it is more efficient to brief class certification after the Court
 16 has made its determinations with respect to the motion to dismiss.

17 Furthermore, pursuant to the Court's comments on settlement at the February 23, 2009
 18 Case Management Conference, the parties have met and conferred regarding settlement and plan
 19 to hold a formal settlement conference before the end of the year. The parties do not believe it is
 20 necessary to decide class certification prior to that conference. The parties wish to prevent the
 21 need to notify the class twice in the event of settlement.

22 In any event, the briefing on class certification will be completed well in advance - over
 23 three months - before the Preliminary Pretrial Conference, which is currently set for June 14,
 24 2010. Finally, all other deadlines set forth in the Scheduling Order will remain unaffected.

25 IT IS STIPULATED AND AGREED, by and between Plaintiffs and Defendant, through
 26 their counsel of record, subject to Court approval, that:

- 27 1. All briefing on any motion to dismiss shall be completed by September 28, 2009;

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Counsel for Defendant NVIDIA Corporation

DATED:

JAMES WARE
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury that the foregoing is true and correct. Executed on August 12, 2009.



CECILLE CHAFFINS